

RECEIVED
CENTRAL FAX CENTER

MAR 03 2008

10/586,199

REMARKS

Applicant has amended the application as filed to remove certain paragraphs and to add missing headings for the Summary of the Invention and the Detailed Description and to add a brief summary of the only drawing figure. None of these amendments add new matter.

Applicant has canceled claims 1-6 as filed and has added new claims 7-12. Applicant submits that these claims do not add new matter as they are fully supported by the application as filed.

The Objection of the Claims

The examiner has objected to claims 5 and 6 because they are multiple dependent claims and serve as the basis for another multiple dependent claim. Applicant has canceled claims 5 and 6 and none of new claims 7-12 are multiple dependent claims.

The Objection to the Specification

The examiner has objected to the specification as filed because of certain informalities. Applicant has amended the specification as filed to add a heading for the Summary of the Invention, a heading for the Detailed Description and a Brief Description of the only drawing figure. In view of the foregoing, reconsideration of this objection is requested.

The Rejections of the Claims

a. 35 U.S.C. 112

The examiner has rejected claims 3 and 4 under the second paragraph of 35 U.S.C. 112. Applicant has canceled claims 3 and 4 and new claims 7-12 particularly point and distinctly claim the subject matter which the applicant regards as the invention.

b. 35 U.S.C. 102

The examiner has rejected independent claim 1 and claims 2-4 dependent thereon as anticipated by U.S. Patent No. 4,969,363 (Mochizuki). The examiner says with respect to claim 1 that Mochizuki teaches the method called for in that claim referring to the Abstract and col. 2, lines 22-27 of Mochizuki.

Applicant has canceled independent claim 1 and has by this amendment added new independent claim 7 which is to a method to

10/586,199
operate a flowmeter that uses magnetic induction to measure only the flow rate of an electrically conductive fluid flowing through the flowmeter and provide a signal representative of the flow rate. The flowmeter has a supply to provide power to produce a magnetic field used in the flow measurement. As called for in new claim 7 the method:

determines from the signal representative of the flow rate an instantaneous signal-to-noise ratio; and

adjusts in response to the determined instantaneous signal-to-noise ratio the power provided by said supply so that the power is supplied inverse to the instantaneous signal-to-noise ratio.

Mochizuki teaches a flowmeter that measures simultaneously both flow and conductivity (see the Abstract). That flowmeter increases the power supply excitation voltage, that is, the excitation power and thus the excitation magnetic field with the decrease in fluid conductivity (see col. 5, lines 57 et seq.). The embodiment shown in Fig. 2 of Mochizuki measures the fluid flow using sampling 7 and the conductivity using sampling 10 and when the microprocessor 12 determines that the conductivity decreases below a predetermined value the microprocessor changes a voltage setting resistor of the power supply 26 shown in Fig. 7 to increase the excitation power which improves the S/N ratio. Thus Mochizuki does not determine the instantaneous S/N ratio and adjust the power provided by the power supply inverse to that ratio as is taught and claimed by applicant in new independent claim 7.

Therefore applicant submits the new independent claim 7 and claims 8-12 dependent thereon are not anticipated by Mochizuki and reconsideration of this rejection is requested.

Reconsideration of the application in accordance with Rules 111 and 112 is requested.


***Certificate Of Facsimile Transmission Appears On The
Following Page***

- 5 -

10/586,199

Respectfully submitted,

Date: March 3, 2008


Michael M. Rickin
Reg. No. 26,984
Attorney for Applicant
ABB Inc.
29801 Euclid Avenue
Wickliffe, OH 44092
(440) 585-7840

I hereby certify that this Amendment Under Rule 111 Transmitted By Facsimile of six (6) total pages is being transmitted by facsimile on March 3, 2008 to Examiner Suglo of Group Art Unit 2780 of the United States Patent and Trademark Office, Fax No. (571) 273-8300.

Typed or printed name of person signing this certificate:

Michael M. Rickin

Signature: 